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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,194	03/21/2001	Edward L. Grivna	0325.00438	2370
21363	7590	07/12/2005	EXAMINER	
CHRISTOPHER P. MAIORANA, P.C.			WANG, TED M	
24840 HARPER			ART UNIT	PAPER NUMBER
ST. CLAIR SHORES, MI 48080			2634	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/814,194

Applicant(s)

GRIVNA ET AL.

Examiner

Ted M. Wang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, filed on 3/24/2005, with respect to the rejection(s) of claims 15 and 17-20 under 35 USC § 112 first paragraph, as failing to comply with the enablement requirement have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 35 USC § 112 first paragraph, as failing to comply with the written description requirement.

#### Independent Claims 15, and 17-20

(1) *Applicants' argument* – "A person of ordinary skill in the field of the invention would recognize an invalid character that is outside the set of all valid data and valid special characters as supporting the recitation in claim 15 of "said predetermined character is orthogonal to an encoded data and special character set." Furthermore, there is no requirement that the words used in the claims must match those used in the specification (see MPEP 2173.05(e)) Therefore, because one of ordinary skill in the field of the invention would recognize the recited claim language "said predetermined character is orthogonal to an encoded data and special character set" as being supported by the specification." as recited.

*Examiner's response* – In response to applicant's argument as described in the above paragraph that the specification as recited "... The character used may be, in one example, an invalid character that is outside the set of all valid data and valid special

characters (e.g., the C0.7 character as identified in the CY78923/CY78933 datasheet, Cypress Semiconductor Corp., April 5, 1999, which is hereby incorporated by reference in its entirety), However, other characters may be used to meet the design criteria of a particular implementation ...” in page 10, lines 3-12, teaches only how and what kind of characters can be used in the design. There is nowhere teaching about how ‘an invalid character that is outside the set of all valid data and valid special characters’ related to “said predetermined character is orthogonal to an encoded data and special character set.”

2. Applicant’s arguments, filed on 3/24/2005, with respect to the rejection(s) of claim(s) 1-5, 7-9, 14, 21, and 22 under 35 USC § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 15 and 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- With regard to claim 15 and 17-20, the limitation "said predetermined character is orthogonal to an encoded data and special character set." As recited, has not been taught in the specification.

***Allowable Subject Matter***

5. Claims 1-14, 20, and 21 are allowed.
6. The following is an examiner's statement of reasons for allowance.
  - The prior art fails to teach an apparatus of Claims 1-14, 20, and 21 that specifically comprises the following:
    - The instant application is deemed to be directed to a non-obvious improvement over the admitted prior art of the instant application and the invention patented in Pat. No. US 6,226,269 and US 5,195,093. The improvement comprises that wherein said second circuit is configured to replace one or more characters of said first data stream with a predetermined invalid transmission character in response to said first select signal.

The US 6,226,269 and US 5,195,093 reference teaches all subject matter except the above features, individually and in combination.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is 571-272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

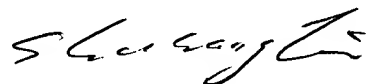
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ted M Wang  
Examiner  
Art Unit 2634

Ted M. Wang



**SHUWANG LIU**  
**PRIMARY EXAMINER**